

REMARKS

In the Final Office Action¹, the Examiner rejected claims 1, 2, 5-17, 30, 31, and 34-54 under 35 U.S.C. § 112, first paragraph, and allowed claims 3, 4, 32, and 33.

Applicants have amended claims 1-3, 5, 7, 9, 10, 12, 15, 16, 30-32, 34, 36, 38, 39, 41, 44, 45, 47, 49, 51, and 52, and claims 1-17 and 30-54 remain pending in this application.

I. Regarding the rejection of claims 1, 2, 5-17, 30, 31, and 34-54 under 35 U.S.C. § 112, first paragraph

Regarding the rejection of claims 1, 2, 5-17, 30, 31, and 34-50 under 35 U.S.C. § 112, first paragraph, the Examiner maintains that, “[t]he original specification does not support the concept of making the selection of the medium based on a communication protocol” (Office Action at page 2).

While Applicants disagree with the Examiner’s rejection, Applicants have amended claims 1-3, 5, 7, 9, 10, 12, 15, 16, 30-32, 34, 36, 38, 39, 41, 44-47, 49, 51, and 52 to replace “protocol” with --profile--. Applicants submit that selecting a medium “based on the communication profile” is supported by the specification.

The following excerpts from Applicants’ specification are examples of teachings which render the claims in full compliance with 35 U.S.C. § 112, first paragraph:

“Communication profiles are the detailed communication parameters that must be utilized by one network entity wishing to communicate with another network device operating on the ICS network” (Specification at page 8, lines 8-11).

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

“To initiate a wireless communication link with the ICS network 10, the local ICS module 304 determines whether the communication profile for the desired network server (40 or 42) is stored on-board the point of care terminal (20 or 22)” (Specification at page 16, lines 4-6).

“If the communications profile for the desired network server is not stored on-board the point of care terminal (20 or 22), the ICS module 304 initiates communication with the ICC database server 50 utilizing the same scheme previously discussed (i.e. local wireless Ethernet, then remote wireless Ethernet, and then PSTN)” (Specification at page 16, lines 20-23).

“Table 1 is an example of communication profiles that may be stored in either the local ICS module (304 or 404) or the network ICS module 515” (Specification at page 23, lines 26-28).

Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1, 2, 5-17, 30, 31, and 34-50 under 35 U.S.C. § 112, first paragraph.

Regarding the rejection of claims 51-54 under 35 U.S.C. § 112, first paragraph, the Examiner states that the specification makes “no mention of making a second attempt on a remote wireless network” (Office Action at page 4). Applicants respectfully disagree.

For example, page 16 of the Specification discloses communication when the communication profile for the desired network server is stored on-board the point of care terminal and is not stored on-board the point of care terminal. If the communication profile for the desired network server is stored on-board and a communication link via a cordless telephone transceiver 310 cannot be established, “the

local ICS module then attempts to initiate a communication link via the portable radiotelephone transceiver 308. If a communication link again cannot be established, the local ICS module 304 sends a message . . . to connect . . . via the modem/PCMCIA interface 312. Once the unit is connected to a PSTN 45, the ICS module 304 places a telephone call” (Specification at page 16, lines 9-13).

Similarly, “[i]f the communications profile for the desired network server is not stored on-board the point of care terminal (20 or 22), the ICS module 304 initiates communication with the ICC database server 50 utilizing the same scheme previously discussed (i.e. local wireless Ethernet, then remote wireless Ethernet, and then PSTN)” (Specification at page 16, lines 20-23). In other words, if the first attempt fails, a second attempt via “remote wireless Ethernet” is initiated.

Communication when the communication profile for the desired network server is stored on-board the point of care terminal and is not stored on-board the point of care terminal is initiated the same way. That is, if the first attempt fails, a second attempt via “remote wireless Ethernet” is initiated. If the second attempt fails, a third attempt using a PSTN is initiated.

The Examiner states that the disclosure on page 16, lines 20-23 is “directed to [the] scenario of when the communications profile is not stored and the first attempt successfully connects to a wireless network. This is not the scenario described in claim 51, where the first attempt fails and the subsequent attempt is made to a remote wireless network” (Office Action at pages 4-5). The Examiner has incorrectly characterized Applicants’ specification and claims.

Page 16, lines 20-23 is not directed to a successful first attempt. This passage states that the steps for establishing a communication connection are the same regardless of whether the communications profile is stored on-board the point of care terminal. Nothing in this passage suggests a successful first attempt. On the contrary, lines 22-23 state the progression of attempts to establish a communication link (i.e. local wireless Ethernet, then remote wireless Ethernet, and then PSTN).

The Examiner also states “[w]hile the original disclosure makes references to ‘wireless Ethernets’, for communications, there is no reference to ‘remote wireless networks’, which are broader in scope than just wireless Ethernets and can encompass features not taught in the original disclosure” (Office Action at page 5). This is not correct.

Applicants’ specification explicitly states “remote wireless Ethernet” (Specification at, for example, page 16, line 23). Remote wireless Ethernet is not broader in scope than the claimed “remote wireless network.”

Applicants submit that these passages, among others, enable the claimed limitation. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 51-54 under 35 U.S.C. § 112, first paragraph.

II. Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.


Please grant any extensions of time required to enter this response and charge
any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: March 6, 2007

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